

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE:

LEE WAI JONATHAN WONG AKA LEE WONG,
AKA JONATHAN WONG
Debtor.

Hearing Date: January 9, 2020

Hearing time: 01:15 p.m.

Case No.: 19-13494-cgm

Chapter 13

Judge: Cecelia G. Morris

OBJECTION TO CONFIRMATION

Courtney R Williams, Esq., an attorney duly admitted to practice before the United States Bankruptcy Court for the Southern District of New York, states the following under the penalty of perjury:

1. I am an attorney at law duly licensed to practice before this Court and an associate with the office of Gross Polowy, LLC, attorneys for Rushmore Loan Management Services, LLC as servicing agent for Wilmington Savings Fund Society, FSB d/b/a Christina Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust ("Secured Creditor"), and as such, am fully familiar with the facts and circumstances of the present case.

2. Secured Creditor is the holder of a note secured by a mortgage on real property commonly known as 12106 Purple Sage Court, Reston, VA 20194 which property is owned by the Debtor.

3. The Debtor filed a Chapter 13 Plan on October 31, 2019 which does not state the arrears owed Secured Creditor.

4. Secured Creditor will file a Proof of Claim listing approximately \$125,819.54 in pre-petition arrears.

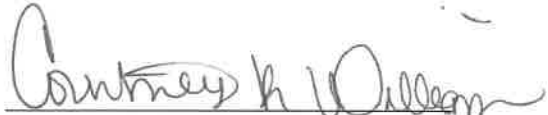
5. The Debtor's proposed Chapter 13 Plan requests Loss Mitigation, however the Court has not yet entered a Loss Mitigation Order.

6. The Debtor's proposed Chapter 13 Plan provides for post-petition payments in the amount of \$1,922.51, however the correct post-petition payment amount is \$1,983.79.

7. Additionally, as the Debtor's proposed Chapter 13 Plan provides for total plan payments in the amount of \$14,400.00, which is insufficient to fully pay the arrears owed to Secured Creditor if loss mitigation is unsuccessful, confirmation of the Plan must be denied pursuant to 11 U.S.C. §1325.

8. As the Debtor's proposed plan fails to provide for full payment of the arrears listed in the Proof of Claim to be filed by Secured Creditor and lists the incorrect post-petition payment amount and fails to provide for sufficient funds to be paid into the Plan if loss mitigation is unsuccessful, confirmation of the Plan must be denied pursuant to 11 U.S.C. §1325.

WHEREFORE, it is respectfully requested that this Court deny confirmation of the Debtor's proposed plan, and for such other and further relief as to this Court deems just and equitable.


Courtney R. Williams, Esq.